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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,163	01/24/2002	Scott H. Robinson	42390.P12878	1704

7590

07/28/2005

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EXAMINER

TRAN, PHILIP B

ART UNIT PAPER NUMBER

2155

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/057,163

Applicant(s)

ROBINSON ET AL.

Examiner

Philip B. Tran

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 2, 16 and 30 are objected to because of the following informalities:  
Claim 2 has duplicated items such as two "filtering" and two "prioritizing" terms.  
Claim 16 has duplicated items such as two "filtering" and two "prioritizing" terms.  
Claim 30 has duplicated items such as two "filtering" and two "prioritizing" terms.  
Appropriate correction is required.

### ***Claim Rejections - 35 U.S.C. § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-31 are rejected under 35 U.S.C. § 102(e) as being anticipated by Smith et al (Hereafter, Smith), U.S. Pat. No. 6,697,842.

Regarding claim 1, Smith teaches a method comprising:

transferring a proper subset of a first plurality of information items and receiving at least one information item separate from the first plurality of information items (= transferring data from the server to the mobile client via a service provider) [see Abstract and Fig. 1]; and

forming a second plurality of information items including the first plurality of information items and the at least one information item and processing the second plurality of information items, providing at least one dynamically processed information item (= dynamically processing and filtering data for adapted content being sent to the mobile client) [see Abstract and Fig. 4 and Col. 4, Line 25 to Col. 5, Line 36].

Regarding claims 2-3, Smith further teaches the method of claim 1 wherein processing comprises one of filtering, prioritizing, and filtering and prioritizing and when processing includes prioritizing, the method further comprises transferring, in prioritized order, at least two dynamically processed information items (= filtering and prioritizing) [see Col. 2, Lines 1-25].

Regarding claim 4, Smith further teaches the method of claim 1 wherein the second plurality of information items comprises a complement of the proper subset of the first plurality of information items, the complement comprising information items within the first plurality of information items that are not in the proper subset of the first plurality of information items [see Fig. 9 and Col. 4, Line 25 to Col. 5, Line 36].

Regarding claims 5-6, Smith further teaches the method of claim 1 wherein the first plurality of information items is heterogeneous and wherein the second plurality of information items is heterogeneous (= web-based forms) [see Col. 7, Lines 1-34].

Regarding claims 7-8, Smith further teaches the method of claim 1, wherein at least one of the first plurality of information items is received from a user input and wherein at least one of the second plurality of information items is received from a user input [see Col. 5, Line 37 to Col. 6, Line 67].

Regarding claims 9-10, Smith further teaches the method of claim 1, wherein at least one of the first plurality of information items is received from a separate second device and wherein at least one of the second plurality of information items is received from a second device [see Col. 4, Line 25 to Col. 5, Line 36].

Regarding claim 11, Smith further teaches the method of claim 1 further comprising promoting a dynamically processed information item to a user-accessible state [see Abstract].

Regarding claim 12, Smith further teaches the method of claim 1, wherein when processing comprises prioritizing, providing includes presenting in prioritized order [see Abstract].

Regarding claims 13-14, Smith further teaches the method of claim 1 further comprising transferring a dynamically processed information item to a separate second device and intra-device transferring a dynamically processed information item [see Col. 2, Lines 1-25 and Col. 4, Line 25 to Col. 5, Line 36 and Col. 7, lines 45-67].

Claims 15-28 are rejected under the same rationale set forth above to claims 1-14, respectively.

Claims 29-31 are rejected under the same rationale set forth above to claim 1-3, respectively.

***Other References Cited***

4. The following references cited by the examiner but not relied upon are considered pertinent to applicant's disclosure.

A) Stern et al, U.S. Pat. Application Pub. No. US 2003/0028390 A1.

B) Min et al, U.S. Pat. No. 6,633,868.

C) Phillips, U.S. Pat. No. 6,748,195.

D) Shaw et al, U.S. Pat. No. 6,151,598.

E) Sobeski et al, U.S. Pat. No. 6,633,315.

5. A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET TO EXPIRE THREE MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION. FAILURE TO RESPOND WITHIN THE PERIOD FOR RESPONSE WILL CAUSE THE APPLICATION TO BECOME ABANDONED (35 U.S.C. § 133). EXTENSIONS OF TIME MAY BE OBTAINED UNDER THE PROVISIONS OF 37 CAR 1.136(A).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tran whose telephone number is (571) 272-3991. The Group fax phone number is (571) 273-8300. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar, can be reached on (571) 272-4006.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Philip Tran*  
Philip B. Tran  
Art Unit 2155  
July 22, 2005